

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

UNITED STATES OF AMIERCA,

Plaintiff,

VS.

HECTOR FERNANDO ZAMBRANA-REYES,

Defendant.

Case No. 2:14-cr-103-GMN-VCF

## **REPORT & RECOMMENDATION**

## MOTION TO SEVER (#179)

Mr. Hector Fernando Zambrana-Reyes moves to sever his trial from his co-defendants' trial because, he asserts, the charges that his co-defendants face have "absolutely nothing to do with" the charges against Mr. Zambrana-Reyes. (Doc. #179 at 8:3). If Mr. Zambrana-Reyes is tried alongside his co-defendants, he contends that he will be found "guilt[y] by association." (*Id.* at 5:20).

The government obtained seven stipulations to extend the time to oppose Mr. Zambrana-Reyes' motion. An opposition was due on August 24, 2015. *See* (Doc. #228). On September 8, 2015, the court held a hearing on the motion and the government indicated that it did not intent to oppose the motion. To date, the motion stands unopposed.<sup>1</sup> Therefore, the court recommends granting Mr. Zambrana-Reyes' motion to sever his trial from his co-defendant's trial.

ACCORDINGLY, and for good cause shown,

<sup>1</sup> “The failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion.” LR 7-2(d); see also Fed. R. Crim. P. 57 (permitting the court to “regulate practice in any manner consistent with . . . the local rules of the district”).

1 IT IS RECOMMENDED that Mr. Zambrana-Reyes' Motion to Sever (#179) be GRANTED.  
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3 IT IS SO RECOMMENDED.  
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5 DATED this 15th day of September, 2015.  
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CAM FERENBACH  
UNITED STATES MAGISTRATE JUDGE